United Nations S/AC.44/2004/(02)/63/Add.1

Security Council

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**Security Council Committee established pursuant to resolution 1540 (2004)**

## Letter dated 16 January 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Chairman of the Committee

I am writing to you with reference to the letter dated 15 November 2005, in which further clarifications were requested on the information that Turkey had provided in its first report on the implementation of Security Council resolution 1540 (2004), submitted with our note verbale dated 1 November 2004.

I have the honour to transmit herewith the additional information requested (see annex).

I would like to take this opportunity to assure you that Turkey stands ready to provide any further information that might be required and will continue to engage in a transparent and cooperative dialogue with the Committee.

(*Signed*) Baki İlkin
Ambassador
Permanent Representative

06-21961 S (E) 170306

**Annex to the letter dated 16 January 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Chairman of the Committee**

ARTICLE 90
OF THE CONSTITUTION OF THE REPUBLIC OF TURKEY
**(Pertaining to the Ratification of International Treaties (as amended on May 22, 2004))**

The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Turkey, shall be subject to adoption by the Turkish Grand National Assembly by a law approving the ratification.

Agreements regulating economic, commercial and technical relations, and covering a period of no more than one year, may be put into effect through promulgation, provided they do not entail any financial commitment by the state, and provided they do not infringe upon the status of individuals or upon the property rights of Turkish citizens abroad. In such cases, these agreements must be brought to the knowledge of the Turkish Grand National Assembly within two months of their promulgation.

Agreements in connection with the implementation of an international treaty, and economic, commercial, technical, or administrative agreements which are concluded depending on the authorisation as stated in the law shall not require approval of the Turkish Grand National Assembly. However, agreements concluded under the provision of this paragraph and affecting economic, or commercial relations and the private rights of individuals shall not be put into effect unless promulgated.

Agreements resulting in amendments to Turkish laws shall be subject to the provisions of the first paragraph.

International agreements duly put into effect bear the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In case of contradiction between international agreements regarding basic rights and freedoms approved through proper procedure and domestic laws, due to different provisions on the same issue, the provisions of international agreements shall be considered.

**TURKISH CRIMINAL CODE NO: 5237**

**The new Turkish Criminal Code No:5237** which was adopted by the Turkish Grand National Assembly on 26 September 2004 and gained full force of law on 12 October 2004 constitutes the backbone of Turkey's counter-proliferation posture in the internal law. Articles 6, 172, 173 and 174 of the said code are relevant to weapons of mass destruction.

Under **Article 174** which bears the heading "Possessing and Exchanging Dangerous Materials without Permission" the act of causing proliferation of weapons of mass destruction and the materials used in their production is made a crime to be punished with severe penalties.

The first paragraph stipulates that the acts of producing, importing or exporting, transporting from one place to another in the country, keeping, selling, buying or processing radioactive, chemical, biological materials which are explosive, burning, abrasive, injuring, suffocating, poisonous, causing permanent illness in nature, without the permission of competent

authorities, constitute a punishable criminal offence and shall be sentenced to imprisonment from three to eight years and to fines for up to 5000 days.

It further stresses that the act of exporting the substances and equipment needed in the production, operation or utilization of the materials which are in the scope of this article, without the permission of the competent authorities, also constitutes a punishable crime and shall be sentenced to the same penalty. This is inclusive of unlicensed exportation of dual-use items.

Second paragraph focuses on the organized nature of the crime and states that if these acts are committed in the context of an organized crime by an organization which has been formed for performing criminal acts, the penalty to be imposed shall be increased by half.

## OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Turkey**

Date of Report: 16 January 2006

| | Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ? | YES | if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc) | Remarks (information refers to the page of the English version of the report or an official web site) |
|---|---|---|---|---|
| 1 | General statement on non-possession of WMD | X | Turkey does not possess any WMD and has no intention to develop programmes for acquiring weapons of this kind. Turkey takes a firm stance against proliferation of WMD and their means of delivery. The basic precept in Turkey's armament and export policies is zero tolerance for proliferation. | 1) National Report of Turkey to the UN Security Council (1540 Committee) (2004).<br>2) 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.<br>(NPT/CONF.2005/27)<br>(05.05.2005) |
| 2 | General statement on commitment to disarmament and non-proliferation | X | Takes a firm stance against proliferation of WMD and their means of delivery | page 2 of the report |
| 3 | General statement on non-provision of WMD and related materials to non-State actors | X | Turkey does not provide any form of support and/or assistance to Non-State Actors that attempt to develop, acquire, manufacture, possess, transfer or use WMD and their means of delivery and fully supports all international efforts to prevent the proliferation of WMD. | http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/ArmsControlAndDisarmament/ |
| 4 | Biological Weapons Convention (BWC) | X | Ratified 03 July 1973, entry into force 06 August 1974, No: 7/8557 | page 2 of the report |
| 5 | Chemical Weapons Convention (CWC) | X | Ratified 10 April 1997, entry into force 03 May 1997, No: 1997/9320 | page 2 of the report |
| 6 | Nuclear Non-Proliferation Treaty (NPT) | X | Ratified 10 April 1979, entry into force 28 November 1979, No: 7/19274 | page 2 of the report |
| 7 | Comprehensive Nuclear Test Ban Treaty (CTBT) | X | Ratified 11 November 1999, entry into force 26 December 1999, No: 1999/13744 | page 2 of the report |
| 8 | Convention on Physical Protection of Nuclear Material (CPPNM) | X | Ratified 10 November 1984, entry into force 07 August 1986, No: 1986/10753 | http://www.iaea.org/Publications/Documents/Conventions/cpp |
| 9 | Hague Code of Conduct (HCOC) | X | Subscribed | http://www.aussenministerium.at/up-media/1679_list_of_hcoc_subscribing_states.doc |

| | | | | |
|---|---|---|---|---|
| 10 | Geneva Protocol of 1925 | X | Ratified 07 January 1929, entry into force 20 January 1929, No: 1097 | http://disarmament.un.org:8080/TreatyStatus.nsf |
| 11 | International Atomic Energy Agency (IAEA) | X | Since 1957 | http://www.iaea.org/About/Policy/MemberStates/ |
| 12 | Nuclear Weapons Free Zone/ Protocol(s) | | Turkey supports nuclear weapon free zones, with particular emphasis to the Middle East. | |
| 13 | Other Conventions/Treaties | X | 1. Ottawa Convention<br>2. Convention on Certain Conventional Weapons (CCW) | |
| 14 | Other Arrangements | X | 1. Nuclear Suppliers Group (NSG)<br>2. Zangger Committee (ZC)<br>3. Australia Group (AG)<br>4. Missile Technology Control Regime (MTCR)<br>5. Wassenaar Arrangement (WA) 6. Proliferation Security Initiative | page 2 of the report |
| 15 | Other | X | Article 90 of the Turkish Constitution stipulates that although international agreements duly put into effect carry the force of law, no appeal can be made with regard to these agreements on grounds of their being unconstitutional, thus removing any obstacles regarding their implementation. | Text of Art. 90 of Turkish Constitution attached to this report. |

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## OP 2 - Biological Weapons (BW)

State: Turkey

Date of Report: 16 January 2006

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | if YES, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 | manufacture/produce | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 2 | acquire | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 3 | possess | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 4 | stockpile/store | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | |
| 5 | develop | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | |
| 6 | transport | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 7 | transfer | X | Criminal Code No: 5237, Article 174 Anti-Smuggling Code No: 4926, Articles 3/d-1 and 3/i-3 (export/import) | X | Criminal Code No: 5237, Article 174 Anti-Smuggling Code No: 4926, Articles 4/d-1 and 4/i-3 (export/import) | |
| 8 | use | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | |
| 9 | participate as an accomplice in a.m. activities | X | Criminal Code No: 5237, Articles 37 and 174 | X | Criminal Code No: 5237, Articles 37 and 174 | |
| 10 | assist in a.m. activities | X | Criminal Code No: 5237, Articles 39 and 174 | X | Criminal Code No: 5237, Articles 39 and 174 | |
| 11 | finance a.m. activities | X | Criminal Code No: 5237, Articles 39 and 174 | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | |
| 12 | a.m. activities related to means of delivery | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | |
| 13 | involvement of non-State actors in a.m. activities | X | Criminal Code No: 5237, Articles 8, 9, 12 and 174 | X | Criminal Code No: 5237, Articles 8, 9, 12 and 174 | |
| 14 | Other | X | Criminal Code No: 5237, Article 174: sell, etc | X | Criminal Code No: 5237, Article 174: sell, etc | pages 2 and 3 of the report |

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## OP 2 - Chemical Weapons (CW)

State: **Turkey**

Date of Report: 16 January 2006

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | if YES, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 | manufacture/produce | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 2 | acquire | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 3 | possess | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 4 | stockpile/store | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | |
| 5 | develop | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | |
| 6 | transport | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | pages 2 and 3 of the report |
| 7 | transfer | X | Criminal Code No: 5237, Article 174 Anti-Smuggling Code No: 4926, Articles 3/d-1 and 3/i-3 (export/import) | X | Criminal Code No: 5237, Article 174 Anti-Smuggling Code No: 4926, Articles 4/d-1 and 4/i-3 (export/import) | |
| 8 | use | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Article 174 | |
| 9 | participate as an accomplice in a.m. activities | X | Criminal Code No: 5237, Articles 37 and 174 | X | Criminal Code No: 5237, Articles 37 and 174 | |
| 10 | assist in a.m. activities | X | Criminal Code No: 5237, Articles 39 and 174 | X | Criminal Code No: 5237, Articles 39 and 174 | |
| 11 | finance a.m. activities | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | |
| 12 | a.m. activities related to means of delivery | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | |
| 13 | involvement of non-State actors in a.m. activities | X | Criminal Code No: 5237, Articles 8, 9, 12 and 174 | X | Criminal Code No: 5237, Articles 8, 9, 12 and 174 | |
| 14 | Other | X | Criminal Code No: 5237, Article 174 Draft bill to implement CWC obligations submitted to Parliament | X | Criminal Code No: 5237, Article 174: sell, etc | pages 2 and 3 of the report |

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## OP 2 - Nuclear Weapons (NW)

State: **Turkey**

Date of Report: **16 January 2006**

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | if YES, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 | manufacture/produce | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Articles 172, 173 and 174 | pages 2 and 3 of the report |
| 2 | acquire | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Articles 172, 173 and 174 | pages 2 and 3 of the report |
| 3 | possess | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Articles 172, 173 and 174 | pages 2 and 3 of the report |
| 4 | stockpile/store | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Articles 172, 173 and 174 | |
| 5 | develop | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Articles 172, 173 and 174 | |
| 6 | transport | X | Criminal Code No: 5237, Article 174 | X | Criminal Code No: 5237, Articles 172, 173 and 174 | pages 2 and 3 of the report |
| 7 | transfer | X | Criminal Code No: 5237, Article 174<br>Anti-Smuggling Code No: 4926, Articles 3/d-1 and 3/i-3 (export/import) | X | Criminal Code No: 5237, Articles 172, 173 and 174<br>Anti-Smuggling Code No: 4926, Articles 4/d-1 and 4/i-3 (export/import) | |
| 8 | use | X | Criminal Code No: 5237, Articles 172 and 173 and 174 | X | Criminal Code No: 5237, Articles 172, 173 and 174 | pages 2 and 3 of the report |
| 9 | participate as an accomplice in a.m. activities | X | Criminal Code No: 5237, Articles 37 and 174 | X | Criminal Code No: 5237, Articles 37 and 174 | |
| 10 | assist in a.m. activities | X | Criminal Code No: 5237, Articles 39 and 174 | X | Criminal Code No: 5237, Articles 39 and 174 | |
| 11 | finance a.m. activities | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | |
| 12 | a.m. activities related to means of delivery | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | X | Criminal Code No: 5237, Articles 37, 38, 39 and 174 | |
| 13 | involvement of non-State actors in a.m. activities | X | Criminal Code No: 5237, Articles 8, 9, 12 and 174 | X | Criminal Code No: 5237, Articles 8, 9, 12 and 174 | |

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|---|---|---|---|---|---|---|
| 14 | Other | X | Criminal Code No: 5237, Article 174: sell, etc | X | Criminal Code No. 5237, Article 174: sell, etc | pages 2 and 3 of the report |

## OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **Turkey**

Date of Report: **16 January 2006**

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Measures to account for production | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 2 | Measures to account for use | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 3 | Measures to account for storage | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 4 | Measures to account for transport | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 5 | Other measures for accounting | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 6 | Measures to secure production | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 7 | Measures to secure use | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |

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| 8 | Measures to secure storage | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 9 | Measures to secure transport | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 10 | Other measures for securing | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 11 | Regulations for physical protection of facilities/materials/ transports | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 12 | Licensing/registration of facilities/persons handling biological materials | | Licensing & registration of facilities by local Chambers of Industry. | | | |
| 13 | Reliability check of personnel | | | | | |
| 14 | Measures to account for/secure/ physically protect means of delivery | | Security measures determined on a case-by-case basis. National legislation being drafted. | | | |
| 15 | Regulations for genetic engineering work | | Regulations set by the Ministry of Health. Work on the drafting of a relevant legislation continues. | | | |
| 16 | Other legislation/ regulations related to safety and security of biological materials | | | | | |
| 17 | Other | | | | | |

## OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **Turkey**

Date of Report: **16 January 2006**

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 | Measures to account for production | X | Criminal Code No: 5237, Article 174 (providing an offence), Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 2 | Measures to account for use | X | Criminal Code No: 5237, Article 174 (providing an offence), Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 3 | Measures to account for storage | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 4 | Measures to account for transport | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 5 | Other measures for accounting | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 6 | Measures to secure production | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |
| 7 | Measures to secure use | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply. |

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|---|---|---|---|---|---|---|
| 8 | Measures to secure storage | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 9 | Measures to secure transport | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 10 | Other measures for securing | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 11 | Regulations for physical protection of facilities/materials/ transports | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Article 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 12 | Licensing of chemical installations/entities/use of materials | | Regulations issued by local chambers of industry. | | | |
| 13 | Reliability check of personnel | | | | | |
| 14 | Measures to account for/secure/ physically protect means of delivery | | Security measures determined on a case-by-case basis. National legislation being drafted. | | | |
| 15 | National CWC authority | | Ministry of Foreign Affairs (Directorate General for Security Affairs) | | | |
| 16 | Reporting Schedule I, II and III chemicals to OPCW | X | 1. Law No: 4238 on the Adoption of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.<br>2. Undersecretariat of Foreign Trade Communique Concerning the Export of Chemical Materials Listed in the Annex of CWC (Export 2002/12).<br>3. Undersecretariat of Foreign Trade Communique Concerning the Import of Chemical Materials Listed in the Annex of CWC (Export 2005/17). | | | Undersecretariat of Foreign Trade reports through the Ministry of Foreign Affairs |

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|---|---|---|---|---|---|---|
| 17 | Account for, secure or physically protect old chemical weapons | | No chemical weapons | | | |
| 18 | Other legislation/ regulations controlling chemical materials | | 1. Undersecretariat of Foreign Trade Communique Concerning the Export of Chemical Materials Listed in the Annex of CWC (Export 2002/12).<br>2. Undersecretariat of Foreign Trade Communique Concerning the Import of Chemical Materials Listed in the Annex of CWC (Export 2005/17). | | | |
| 19 | Other | | Draft bill to implement CWC obligations submitted to Parliament. | | | page 4 of the report |

## OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **Turkey**

Date of Report: 16 January 2006

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Measures to account for production | X | INFCIRC/295 | | | http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf |
| 2 | Measures to account for use | X | | | | |
| 3 | Measures to account for storage | X | | | | |
| 4 | Measures to account for transport | X | Road Transport Code No: 4925, Article 5 | | | Preparations are under way for Turkey to become party to ADR Convention Concerning the International Carriage of Dangerous Goods by Road (drawn up by the UN). |
| 5 | Other measures for accounting | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 6 | Measures to secure production | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 7 | Measures to secure use | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |



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|---|---|---|---|---|---|---|
| 8 | Measures to secure storage | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 9 | Measures to secure transport | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 10 | Other measures for securing | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |
| 11 | Regulations for physical protection of facilities/materials/ transports | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | X | Criminal Code No: 5237, Articles 172, 173 and 174 (providing an offence); Misdemeanor Code No: 5326, Article 32 | Regulations of relevant agencies apply |

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| 12 | Licensing of nuclear installations/entities/use of materials | X | TAEA has prepared the necessary regulations to ensure that the requirements for nuclear materials safeguards and those in obligations entered into by the State in International Agreements are met throughout Turkey. These regulations provide more detailed procedures and include the requirements in respect of nuclear materials, facilities and transfers.<br><br>° Regulation on Radiation Safety<br>° Regulation on Accounting for and Control of Nuclear Materials,<br>° Regulation on Measures for Physical Protection of Special Nuclear Materials (with respect to CPPNM),<br>° Regulation on Safe Transport of Radioactive Materials, (Based on IAEA Recomendation for the Safe Transport of Radioactive Material,entered into force in 1996 edition, Revised Safe Transport, ST-R-1)<br>° Regulation on Permission for the Export of Material and Equipment used in Nuclear Field and related Technology (with respect to additional model protocol and nuclear exports and related technology control regimes) | X | Criminal Code No: 5237 of 04 July 2004, Articles 172, 173 and 174+F149 | pages 3 and 4 of the report |
| 13 | Reliability check of personnel | | | | | |
| 14 | Measures to account for/secure/ physically protect means of delivery | | | | | |
| 15 | National regulatory authority | | Turkish Atomic Energy Agency | | | |
| 16 | IAEA Safeguards Agreements | X | 1. Safeguards Agreement in force 1 September 1981<br>2. Additional Protocol in force 17 July 2001 | | | *http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf* |
| 17 | IAEA Code of Conduct on Safety and Security of Radioactive Sources | | Expressed support to the Director General | | | *http://www-ns.iaea.org/downloads/rw/mee* |

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|---|---|---|---|---|---|---|
| 18 | IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources | X | Participates in Database Programme | X | Criminal Code No: 5237, Articles 172, 173 and 174 | http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html |
| 19 | Other Agreements related to IAEA | | | | | |
| 20 | Additional national legislation/regulations related to nuclear materials including CPPNM | X | Undersecretariat of Foreign Trade Communique Concerning the Goods Export of which is Forbidden or Subject to Pre-licensing (Export 96/31) | X | Criminal Code No: 5237, Articles 172, 173 and 174 | According to Communique 96/31, export of nuclear materials is subject to pre-licencing through the Turkish Atomic Energy Authority. |
| 21 | Other | | | | | |

## OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: Turkey

Date of Report: 16 January 2006

| | Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Border control | X | Customs Code No: 4458, Articles 33, 34, 36, 38, 45 and 46 | X | Customs Code No: 4458, Articles 231 and 239<br>Anti-Smuggling Code No: 4926, Articles 4/a-1 and 4/a-2 | |
| 2 | Technical support of border control measures | | No legal framework currently in force. Cooperation between Customs authorities and the Ministry of Health applies. | | X-Ray equipment at various ports to check all sizes of vehicles and containers | page 5 of the report |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | Criminal Code 5237, Article 174 | X | Criminal Code 5237, Article 174 | |
| 4 | Enforcement agencies/authorities | | Undersecretariat of Customs | | Undersecretariat of Customs | |
| 5 | Export control legislation in place | | Regulations issued by the Undersecretariat of Foreign Trade. | X | Criminal Code No: 5237, Article 174 | pages 3 and 4 of the report |
| 6 | Licensing provisions | | Regulations issued by the Ministry of Health and the Undersecretariat of Foreign Trade. | | Ministry of Health | page 4 of the report |
| 7 | Individual licensing | | Regulations issued by the Ministry of Health and the Undersecretariat of Foreign Trade. | | Ministry of Health | |
| 8 | General licensing | | Regulations issued by the Ministry of Health and the Undersecretariat of Foreign Trade. | | Ministry of Health | |
| 9 | Exceptions from licensing | X | Anti-Smuggling Code No: 4926, Article 3/i-3 | X | Anti-Smuggling Code No: 4926, Articles 4/i-3 and 6 | |
| 10 | Licensing of deemed export/visa | | Undersecretariat of Foreign Trade, in coordination with the Ministry of Health. | | | |

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|---|---|---|---|---|---|---|
| 11 | National licensing authority | | In coordination with other agencies:<br>1. Ministry of Health<br>2. Ministry of Industry and Trade | | | pages 3 and 4 of the report |
| 12 | Interagency review for licenses | | Ministry of Health | | | |
| 13 | Control lists | | Control lists of the international instruments against proliferation of weapons of mass destruction or export control regimes that Turkey is a party to, are also taken into consideration, including that of the Australia Group. | | Application of UN and OSCE embargo lists | pages 3 and 4 of the report |
| 14 | Updating of lists | | In coordination with other agencies:<br>1. Ministry of Health<br>2. Ministry of Industry and Trade | | | |
| 15 | Inclusion of technologies | | Turkey controls dual-use items and technology | | | page 4 of the report |
| 16 | Inclusion of means of delivery | | Turkey controls missile dual-use items and technology through the MTCR lists and guidelines | | | page 5 of the report |
| 17 | End-user controls | | Applies to catch-all controls if suspicion or company declares its suspicion | | | page 4 of the report |
| 18 | Catch all clause | | 1. Law No. 5201 for military items<br>2. Undersecretariat of Foreign Trade Communique Concerning the Control of the Export of Dual-Use and Sensitive Goods (Export 2003/12), Article 6. | | | pages 4 and 5 of the report |
| 19 | Intangible transfers | | Regulations issued by the Undersecretariat of Foreign Trade. | | | |
| 20 | Transit control | | Regulations issued by the Undersecretariat of Foreign Trade and the Undersecretariat of Customs. | | | Border control rules apply |
| 21 | Trans-shipment control | | Regulations issued by the Undersecretariat of Foreign Trade and the Undersecretariat of Customs.. | | | Border control rules apply |

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|---|---|---|---|---|---|---|
| 22 | Re-export control | | Regulations issued by the Undersecretariat of Foreign Trade and the Undersecretariat of Customs.. | | | Border control rules apply |
| 23 | Control of providing funds | | | | | |
| 24 | Control of providing transport services | | | | | |
| 25 | Control of importation | | Regulations issued by the Undersecretariat of Foreign Trade | | Criminal Code No: 5237, Article 174 | page 3 of the report |
| 26 | Extraterritorial applicability | | | | | |
| 27 | Other | | | | ISPS Code applied in almost all ports | pages 4 and 5 of the report |



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## OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

**State:** **Turkey**

**Date of Report:** **16 January 2006**

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Border control | X | Customs Code No: 4458, Articles 33, 34, 36, 38, 45 and 46 | X | Customs Code No: 4458, Articles 231 and 239<br>Anti-Smuggling Code No: 4926, Articles 4/a-1 and 4/a-2 | |
| 2 | Technical support of border control measures | | | | X-Ray equipment at various ports to check all sizes of vehicles and containers | page 5 of the report |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | | | | | Draft bill to implement CWC obligations submitted to Parliament. |
| 4 | Enforcement agencies/authorities | | Undersecretariat of Customs | | | |
| 5 | Export control legislation in place | | Undersecretariat of Foreign Trade Communique Concerning the Export of Chemical Materials Listed in the Annex of CWC (Export 2002/12). | X | Criminal Code No: 5237, Article 174 | pages 3 and 4 of the report |
| 6 | Licensing provisions | | Two-tiered licensing process | | 1. Ministry of Industry and Trade<br>2. Undersecretariat of Foreign Trade | page 4 of the report |
| 7 | Individual licensing | | | | | Draft bill to implement CWC obligations submitted to Parliament. |
| 8 | General licensing | | | | | Draft bill to implement CWC obligations submitted to Parliament. |
| 9 | Exceptions from licensing | | | | | Draft bill to implement CWC obligations submitted to Parliament. |

| | | | | | | |
|---|---|---|---|---|---|---|
| 10 | Licensing of deemed export/visa | | | | | Draft bill to implement CWC obligations submitted to Parliament. |
| 11 | National licensing authority | | In coordination with other agencies:<br>1. Ministry of Health<br>2. Ministry of Industry and Trade<br>3. Undersecretariat of Foreign Trade | | | pages 3 and 4 of the report |
| 12 | Interagency review for licenses | | | | | |
| 13 | Control lists | | Control lists of the international instruments against proliferation of weapons of mass destruction or export control regimes that Turkey is a party to, are also taken into consideration, including those of the Australia Group and the CWC. | | Application of UN and OSCE embargo lists | pages 3 and 4 of the report |
| 14 | Updating of lists | | Ministry of Industry and Trade | | | |
| 15 | Inclusion of technologies | | Turkey controls dual-use items and technology | | | page 4 of the report |
| 16 | Inclusion of means of delivery | | Turkey controls missile dual-use items and technology through the MTCR lists and guidelines | | | page 5 of the report |
| 17 | End-user controls | | Applies to catch-all controls if suspicion or company declares its suspicion | | | page 4 of the report |
| 18 | Catch all clause | | 1. Law No. 5201 for military items<br>2. Undersecretariat of Foreign Trade Communique Concerning the Control of the Export of Dual-Use and Sensitive Goods (Export 2003/12), Article 6. | | | pages 4 and 5 of the report |
| 19 | Intangible transfers | | | | | |
| 20 | Transit control | | | | | Border control rules apply |



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|---|---|---|---|---|---|---|
| 21 | Trans-shipment control | | | | | Border control rules apply |
| 22 | Re-export control | | | | | Border control rules apply |
| 23 | Control of providing funds | | | | | |
| 24 | Control of providing transport services | | | | | |
| 25 | Control of importation | | Undersecretariat of Foreign Trade Communique Concerning the Import of Chemical Materials Listed in the Annex of CWC (Export 2005/17). | | Criminal Code No: 5237, Article 174 | page 3 of the report |
| 26 | Extraterritorial applicability | | | | | |
| 27 | Other | | Compatible with EU system of export controls | | 1. All exporters must belong to a union of exporters<br>2. UFT works with 13 exporter's unions to monitor and control exports, coordinated by the IMMIB<br>3. ISPS Code applied in almost all ports | pages 4 and 5 of the report |

## OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: Turkey

Date of Report: 16 January 2006

| | Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 | Border control | X | Customs Code No: 4458, Articles 33, 34, 36, 38, 45 and 46 | X | Criminal Code No: 5237, Articles 172, 173 and 174<br>Customs Code No: 4458, Articles 231 and 239<br>Anti-Smuggling Code No: 4926, Articles 4/a-1 and 4/a-2 | |
| 2 | Technical support of border control measures | | Technical assistance provided by the Turkish Atomic Energy Agency when required. | | X-Ray equipment at various ports to check all sizes of vehicles and containers. | page 5 of the report |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | | | X | Criminal Code No: 5237, Article 174 | |
| 4 | Enforcement agencies/authorities | X | Criminal Code No: 5237, Article 174 | | | |
| 5 | Export control legislation in place | | Undersecretariat of Foreign Trade Communique Concerning the Goods Export of which is Forbidden or Subject to Pre-licensing (Export 96/31) | X | Criminal Code No: 5237, Article 174 | pages 3 and 4 of the report |
| 6 | Licensing provisions | | Two-tiered licensing process | | 1.Turkish Atomic Energy Agency (TAEK)<br>2. Undersecretariat of Foreign Trade | page 4 of the report |
| 7 | Individual licensing | | In coordination with other agencies:<br>1.Turkish Atomic Energy Agency<br>2. Ministry of Industry and Trade | | | |



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|---|---|---|---|---|---|---|
| 8 | General licensing | | In coordination with other agencies:<br>1.Turkish Atomic Energy Agency<br>2. Ministry of Industry and Trade | | | |
| 9 | Exceptions from licensing | | | | | |
| 10 | Licensing of deemed export/visa | | In coordination with other agencies:<br>1.Turkish Atomic Energy Agency<br>2. Ministry of Industry and Trade | | | |
| 11 | National licensing authority | | In coordination with other agencies:<br>1.Turkish Atomic Energy Agency<br>2. Ministry of Industry and Trade | | License registration by the Undersecretariat for Foreign Trade (UFT) | pages 3 and 4 of the report |
| 12 | Interagency review for licenses | | | | | |
| 13 | Control lists | | Control lists of the international instruments against proliferation of weapons of mass destruction or export control regimes that Turkey is a party to, are also taken into consideration, including those of the NSG and the Zangger Committee | | Application of UN and OSCE embargo lists | pages 3 and 4 of the report |
| 14 | Updating of lists | | | | | page 3 of the report |
| 15 | Inclusion of technologies | | Turkey controls dual-use items and technology | | | page 4 of the report |
| 16 | Inclusion of means of delivery | | Turkey controls missile dual-use items and technology through the MTCR lists and guidelines | | | page 5 of the report |
| 17 | End-user controls | | Applies to catch-all controls if suspicion or company declares its suspicion | | | page 4 of the report |
| 18 | Catch all clause | | 1. Law No. 5201 for military items<br>2. Undersecretariat of Foreign Trade Communique Concerning the Control of the Export of Dual-Use and Sensitive Goods (Export 2003/12), Article 6 | | | pages 4 and 5 of the report |
| 19 | Intangible transfers | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 20 | Transit control | | | | | Border control rules apply |
| 21 | Trans-shipment control | | | | | Border control rules apply |
| 22 | Re-export control | | | | | Border control rules apply |
| 23 | Control of providing funds | | | | | |
| 24 | Control of providing transport services | | | | | |
| 25 | Control of importation | | Undersecretariat of Foreign Trade Communique Concerning the Import of Radioactive Materials and Equipment Using Radioactive Materials (Import 2005/3). | | Criminal Code No. 5237, Article 174 | page 3 of the report |
| 26 | Extraterritorial applicability | | | | | |
| 27 | Other | | Compatible with EU system of export controls | | 1. All exporters must belong to a union of exporters<br>2. UFT works with 13 exporter's unions to monitor and control exports, coordinated by the IMMIB<br>3. ISPS Code applied in almost all ports | pages 4 and 5 of the report |

## OP 6, 7 and 8 (d) - Control lists, Assistance, Information

**State:** **Turkey**

**Date of Report:** **16 January 2006**

| | Can information be provided on the following issues ? | YES | | Remarks |
|---|---|---|---|---|
| 1 | Control lists - items (goods/ equipment/ materials/ technologies) | | Dual-use lists based on international instruments and export control regimes:<br>- Nuclear Suppliers Group (NSG)<br>- Zangger Committee (ZC)<br>- Australia Group (AG)<br>- Missile Technology Control Regime (MTCR)<br>- Wassenaar Arrangement (WA) | pages 3 and 4 of the report |
| 2 | Control lists - other | | UN and EU embargo lists | page 4 of the report |
| 3 | Assistance offered | | | |
| 4 | Assistance requested | | | |
| 5 | Assistance in place (bilateral/plurilateral/multilateral) | | Project-based cooperation with the US | |
| 6 | Information for industry | | * IMMIB provides information on control regime of Turkey to exporters on a case-by-case basis.<br>* A project is carried out for the harmonisation of a software on internal control programme. | |
| 7 | Information for the public | | | |